

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-433-T - ORDER NO. 2000-695
AUGUST 24, 2000

IN RE: Changes in the Code of Federal Regulations) ORDER INITIATING
Title 49, Parts 40,325 and 355-399 Effecting) SAFETY PROCEDURE
Passenger Carriers Designed or Used to) FOR C AND C CHARTER
Transport More than Eight (8) Passengers) CERTIFICATE
(Including the Driver) for Compensation.) HOLDERS

This matter comes before the Public Service Commission of South Carolina (the Commission) pursuant to an amendment to 49 CFR Section 390 which adds the requirement that safety profiles be done for passenger vehicles carrying more than eight passengers for compensation. This amendment now requires that holders of this Commission's Class C and Class C Charter Certificates of Public Convenience and Necessity be subject to safety profiles, whereas this requirement was formerly limited to carriers of 16 or more passengers.

We note that all Orders of this Commission that have granted and that now grant Class C and Class C Charter authority require compliance with either the former Commission safety regulations, or with the present safety regulations of the South Carolina Department of Public Safety. These regulations incorporate by reference the Federal standard laid out in 49 CFR Section 390, including any amendments thereto. Accordingly, we hold that the amendment requiring safety profiles for carriers with passenger vehicles carrying 8 or more passengers is applicable to both the presently

certificated C and C-Charter Certificate holders, as well as those which may be certificated in the future.

In order to bring all affected carriers into compliance, we hold that the notarized checklist attached hereto be forwarded to all present C and C-Charter certificate holders for completion, and shall be furnished to all future C and C-Charter applicants for completion. Present C and C-Charter certificate holders shall fill out the required form and return it to this Commission's Transportation Department. Failure to return the form may be grounds for this Commission to issue a rule to show cause as to why the certificates of the non-complying C and C-Charter carriers should not be revoked for failure to comply with Commission Orders. Failure to complete the form by C and C-Charter applicants may be grounds for denying the application. Once the forms are filled out and returned, C and C-Charter certificate holders may be subject to audit by the Commission's Transportation Department to ensure that all requirements are met. Failure to possess all files as indicated on the form may make the subject C and/or Class-C Charter certificate holder subject to further enforcement action by the Commission's Transportation Department.

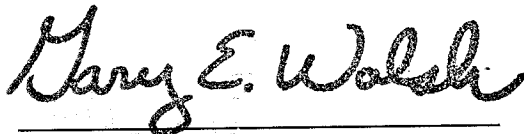
We believe that this procedure carries out the terms of the amendment of the Federal regulation and brings all affected carriers into compliance with a minimum of paperwork.

This Order shall remain in full force and effect until further Order of the
Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

SAFETY CERTIFICATION

If your operations are subject to Safety Fitness Procedures of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR Parts 100-199), even if you have not yet received a Safety Fitness Rating, you must certify as follows:

Applicant has access to and is familiar with all applicable U.S.D.O.T. regulations relating to the safe operation of commercial vehicles. In so certifying, applicant is verifying that, as a minimum, it:

1. Has in place a system and an individual responsible for ensuring overall compliance with the FMCSR and the HM regulations;
2. Can produce a copy of the FMCSR and the HM regulations;
3. Has in place a driver safety/orientation program;
4. Is familiar with the FMCSR governing driver qualifications and has in place a system for overseeing driver qualification requirements in accordance with 49 CFR Part 391.51C;
5. Has in place policies and procedures consistent with FMCSR governing driving and operational safety of commercial motor vehicles, including drivers' hours of service and vehicle inspection, repair and maintenance (49 CFR Parts 392, 395 and 396);
6. Are in compliance with the Controlled Substance and Alcohol Use and Testing as stated in FMCSR (49 CFC Part 40, 382, if applicable).

Any applicant who certifies they are in compliance with the FMCSR and/or the HM regulations and upon completion of a compliance review audit, is found not to be in compliance, may have its certificate revoked.

PLEASE CHECK THE APPROPRIATE BOX	
YES	NOT APPLICABLE

EXEMPT APPLICANTS – If you will operate only small vehicles (GVWR of 10,000 pounds or less) and do not transport hazardous materials in a quantity to require placarding under the HM regulations and are thus exempt from the FMCSR and HM regulation, you must certify as follows:

Applicant is familiar with and will observe FMCSR general operational safety fitness guidelines as well as all applicable State laws and regulations relating to the safe operation of commercial motor vehicles.

PLEASE CHECK THE APPROPRIATE BOX	
YES	NOT APPLICABLE

APPLICANT'S OATH

I, _____, verify under penalty of perjury under the laws of the State of South Carolina, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute criminal violations punishable by imprisonment and fines as prescribed by law. (Note: This oath embraces all schedules and supplemental filings to this application).

Sworn to before me

Signature of Applicant
(Not Legal Representative)

at _____
this _____ day of _____ 20____

Notary Public